

Meeting Minutes

April 15, 2004

Town of Los Altos Hills

City Council Regular Meeting

Thursday, April 15, 2004 6:00 P.M.
Council Chambers, 26379 Fremont Road

1. CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor Cheng called the Regular Meeting of the City Council to order at 6:05 p.m. in the Council Chambers at Town Hall.

Present: Mayor Emily Cheng, Mayor Pro Tem Mike O'Malley, Councilmember Bob Fenwick, Councilmember Breene Kerr and Councilmember Dean Warshawsky

Absent: None

Staff: City Manager Maureen Cassingham, City Attorney Steve Mattas, Planning Director Carl Cahill, Acting City Engineer/Director of Public Works Dave Ross, Administrative Services Director Sarah Joiner, Parks and Recreation Supervisor Jimmy Forbis and City Clerk Karen Jost

Press: Kathleen Acuff, Los Altos Town Crier

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Warshawsky and passed unanimously to limit the length of time for public comments to three minutes.

2. APPOINTMENTS AND PRESENTATIONS

3. PLANNING COMMISSION REPORT

Planning Director Carl Cahill summarized the Planning Commission meeting of April 8, 2004 for Council. The Commission considered six public hearing items: Lands of Kerns, a landscape screening and lighting plan; Lands of Los Altos Hills; a Conditional Use Permit request for the Town's recreational facilities on Purissima; Lands of Sindu and Bertrand, lot line adjustment; Lands of Fors and Selover, request for a new residence, secondary dwelling and tennis court and variance; Lands of Chou, a permit modification; and Lands of Los Altos School District, a Conditional Use Permit for temporary Town offices at the Bullis School site. Cahill noted that the Planning Commission had recommended approval of the Conditional Use Permit requests and the lot line adjustment. They would be forwarded to Council at their next meeting for consideration.

4. CONSENT CALENDAR

Items Removed: Item 4.4 (Warshawsky); Item 4.5 (Kerr); Item 4.6 (Fenwick)

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Warshawsky and passed unanimously, to approve the remainder of the consent calendar, specifically;

- 4.1 Approval of Minutes: Regular City Council Meeting April 1, 2004
- 4.2 Review of Disbursements: 03/24/04 – 04/08/2004 \$231,689.66
- 4.3 State Budget Update

Items Removed:

- 4.3 Award of Contract 2003-2004 Street Rehabilitation, Storm Drain Improvements and Pavement Marking Project
Resolutions # 20-04 and # 21-04

Councilmember Warshawsky explained that he had requested separate consideration of this item to review the substantial expenditure. He noted that the project contract was for approximately \$500,000.

Mayor Pro Tem O'Malley clarified that the project was part of our annual Streets Maintenance Program and was included in the CIP budget. The expenditure and scope of project had actually been reduced during budget discussions

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by Kerr and passed unanimously to Award the Contract 2003-2004 Street Rehabilitation, Storm Drain Improvements and Pavement Marking Project

- 4.5 Adoption of Ordinance Amendments to the Town's Zoning Code with Regard to Fences (Section 10-1.504 (d) Height; Walls and Fences)

Councilmember Kerr requested clarification regarding the wording in the ordinance that references deletion of language from the Municipal Code. He wanted assurance that no protections for conservation easements had been removed.

Planning Director Cahill explained that at present there is no language in the Town's Zoning Code pertaining to conservation easements. This ordinance establishes rules and protective language.

OPENED PUBLIC COMMENT

Kim Cranston, Fremont Road, explained that he preferred the original draft of the fence ordinance that had been approved by the Planning Commission that contained the provision that required the noticing of neighbors of proposed fence projects. He reviewed the history of his recent problematic experience with his neighbor's fence. Cranston believed this could have been avoided if he had been noticed.

Sandy Humphries, Environmental Design and Protection, expressed her concern that there was no information referencing the language of what is being deleted from the Code.

Steve Hubbell, Canejo Court, discussed his experience with his neighbor's fence. He believes good neighbor relations benefit from neighbors notifying neighbors of their intentions. It is a part of being a good citizen.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Warshawsky and passed by the following roll call vote to adopt an Ordinance Amendment to the Town's Zoning Code with Regard to Fences (Section 10-1.5.04 (d) Height: Walls and Fences) Ordinance No. 434.

AYES: Mayor Cheng, Mayor Pro Tem O'Malley, Councilmember Fenwick,
Councilmember Kerr and Councilmember Warshawsky
NOES: None
ABSENT: None
ABSTAIN: None

4.6 Notification of Planning Commission Approval: A Request for a Site Development Permit for a Landscape Screening Plan. Lands of Mehta; 14293 Saddle Mountain Drive (15-04-ZP-SD-PM)

Councilmember Fenwick recused himself from consideration of this item due to the proximity of the project to his residence (within 500 feet).

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by Kerr and passed unanimously to accept and file the notification of the Planning Commission approval of the request for a Site Development Permit for a Landscape Screening Plan; Lands of Mehta, 14293 Saddle Mountain Drive.

5. UNFINISHED BUSINESS

5.1 Update on Mayor's Goals

5.1.1 New Town Hall – Status Report

5.1.1 a Consideration of an Agreement Between the Town of Los Altos Hills and the Los Altos School District for Bullis-Purissima Elementary School for Temporary Town Offices

The agenda was reordered to permit consideration of this item after the Closed Session.

City Attorney Mattas summarized the lease agreement between the Town and the Los Altos School District. The agreement contained the following terms: 1) fifteen (15) month lease commencing on May 1, 2004 at a total rental cost of \$96,000 to be paid in five equal payments on set dates over the course of the lease; 2) the rental space includes the administrative building, 1000 +/- square feet for a portable building to be installed at the expense of the Town, the multi-purpose room and access to public bathrooms on site when the Town is holding a public meeting to provide for ADA compliance; 3) the

allocation of utilities costs will be attributable to the Town's use and pro-ration provisions are provided in the lease in the event the site is shared with another tenant; the Town agrees to pay for water at a charge equal to 10% of the District's monthly charge for water to the school site; 4) Town will be responsible for telephones, data and communication lines; 5) twenty five (25) parking spaces will be dedicated to Town use Monday-Friday 8am to 6pm; 6) site separation is provided for in the event that the site should become a shared site with an additional tenant with children; 7) maintenance and custodial provisions are included in the terms of the lease, with the Town obligated to provide routine maintenance and custodial services to the buildings it occupies with an allocation for repair costs with the Town being responsible for repairs that cost up to \$750.00 with a total of \$6,500 for the term of the lease; 8) the lease provides for mutual indemnity provisions; 9) the lease contains provisions for the termination of the lease agreement.

Mattas noted that staff recommends Council approval of the agreement with Council direction to staff to execute the lease agreement once the final version is printed. There are several minor resolvable changes that have been forwarded by staff to the District. Mattas noted that with Council's direction staff could finalize the agreement.

OPENED PUBLIC COMMENT
CLOSED PUBLIC COMMENT

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Fenwick and passed by the following roll call vote to approve the lease agreement between the Town of Los Altos Hills and the Los Altos School District for the Bullis Elementary School site.

AYES: Mayor Cheng, Mayor Pro Tem O'Malley, Councilmember Fenwick,
Councilmember Kerr and Councilmember Warshawsky
NOES: None
ABSENT: None
ABSTAIN: None

5.1.1b Approval of Donor Wall Marketing Budget

Councilmember Kerr reported that this request had been approved unanimously by the New Town Hall Committee. The fund raising efforts have a potential realization of \$500,000.

Duffy Price, Donor Wall Subcommittee Chairman, explained that the request was for funding of the initial invitation to residents to participate in the donor wall program. She noted the importance of the initial interface with residents to achieve the maximum marketing benefits.

MOTION SECONDED AND CARRIED: Moved by Warshawsky, seconded by Kerr and passed unanimously to approve the request for funds by the Donor Wall Subcommittee in the not-to-exceed amount of \$10,000 for the marketing budget for the Donor Wall project.

5.1.1c Consideration of 37kW PV Solar Electric Generating System for New Town Hall

Councilmember Kerr introduced this item to Council. He explained that the New Town Hall Committee had approved the investigation of identifying and pursuing funding sources for the expanded solar project for the new Town Hall facility. He referenced a computer generated rendering on display in Council Chambers that illustrated the proposed “solar orchard”. Kerr noted that recent newspaper articles have examined the possibility of renewed energy demands that could potentially create energy shortages experienced in previous years.

Mayor Pro Tem O’Malley commended Kerr and Administrative Services Director Joiner for their efforts on the item presentation and packet of information for Council. O’Malley expressed his belief that this was an excellent project for the Town. It was both cost effective and energy saving.

MOTION SECONDED AND CARRIED: Moved by O’Malley, seconded by Kerr and passed unanimously to support moving forward with the 37kW PV Solar Electric Generating System for the new Town Hall.

5.1.1d TBI Update

Councilmember Kerr noted that TBI had provided an extensive update to the New Town Hall Committee at their last meeting. He would be happy to answer any project questions from citizens forwarded by email.

Mayor Pro Tem O’Malley noted that Tony Mirenda, TBI Construction Management, had reported that the steel industry is seeing a rise in prices that could increase construction costs by approximately 13%. The economic recovery is creating an upward flux in trade labor costs. The full impact of these increases would not be known until the construction bids are submitted. A revision to the proposed foundation may produce a savings and come in under estimated costs.

Council reiterated that were very committed to the Town Hall proposed budget.

5.1.2 Undergrounding of Utilities – Status Report

Councilmember Warshawsky reported that the Undergrounding Committee would be meeting Monday April 19th to review the R.W. Beck and Godbe Research telephone survey findings and prepare their presentation for the May 6th study session with Council.

5.1.3 Master Pathway Map – Status Report

Chris Vargas, Chair Pathways Committee reported that the Committee is making excellent progress on review of the map. He expects the first phase to be completed in July. He requested direction from Council on the Committee’s meeting schedule and timelines. Vargas suggested that his Committee could add additional special meetings. He believes that the final map will be a good map with a pathways system that makes sense.

Councilmember Warshawsky, Council liaison to the Committee, expressed his doubt that the process could move any more quickly.

Vargas explained that each decision made by the Committee would be supported with a reason for the action and he hopes that this will make the public hearings process less contentious than the last path map update.

Planning Director Cahill explained that there is a CEQA process that is required in this process. He supported study/work sessions with the Planning Commission and the work sessions could culminate with the final Public Hearing where the Planning Commission could take action on the map and the CEQA document.

PASSED BY COUNCIL CONSENSUS: To have the Planning Director, Planning Commission Chair and Pathways Committee Chairman meet to work out the schedule of meetings, methods of noticing, monetary details and return to the City Council with their plan for review and approval.

5.1.4 Storm Water Master Plan – Status Report

5.1.4 a Nolte Associates Storm Drainage Master Plan Technical Memorandum

Acting City Engineer David Ross introduced this item. He explained that Council had before them a memo prepared by Nolte Associates that identified 25 drainage problem sites in Los Altos Hills. Staff is accepting any additional sites for inclusion in the draft from residents and Council for consideration and evaluation in the final proposal. Spreadsheets that reflect construction schedules of 6 years with an annual expense of \$275,000 and twelve years with an annual expense of \$130,000 were included in the report.

Ross noted that he was comfortable with both approaches to the work. He distributed an additional packet to Council that included site photographs and a location map. Ross concluded that he would return to Council in May with the final report.

5.1.5 Visit to China to Explore Business Opportunities – Status Report

Mayor Cheng reported that the contingent from Los Altos Hills would be leaving for the China visit in the morning and she would provide a detailed report upon her return.

6. NEW BUSINESS

6.1 Appointment to the Public Education Committee – 1 vacancy

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Kerr and passed unanimously to appoint Dr. Jamie Lucia to the Public Education Committee for a term of four years.

6.2 Consideration of Adoption of Terms and Conditions of Signs and Banners in Los Altos Hills

City Manager Cassingham reported that this item had been prepared by staff as a response to a request by resident Mark Jensen at the March 18th City Council meeting for Council consideration of designated areas in Town for the display of banners to advertise Town events. Cassingham noted that the Municipal Code section pertaining to signs had been responsive to the Town's needs to date and if Council concurs no further definition would be necessary.

Planning Director Cahill explained that enforcement of the current code is complaint driven. Illegal signs/advertisements in the public right-of-way are removed when Town offices are notified. Signs on private property are permitted. Residents may seek permission for certain signs.

OPENED PUBLIC COMMENT

Resident, Altamont Court, explained that she considers her cow sign "art".

Sandy Humphries, would like to see Town banners permitted.

Kathy Evans, Public Education Committee, voiced her opinion that having designated areas for permitted signs would be helpful to Committees announcing events. She would especially like to see an area in the southern part of Los Altos Hills near Magdalena available for signage. She believes this area is often neglected when it comes to notification of Town events.

Mark Jensen, resident, would like to see a banner over the road but realizes it would be obtrusive. He suggested that a larger area be designated at the Town Hall for notices and signs.

CLOSED PUBLIC COMMENT

Following a brief discussion, Council determined that the present Municipal Code Section on signs and banners was sufficient.

7. REPORTS FROM COMMITTEES, SUB-COMMITTEES, AND COUNCILMEMBERS ON OUTSIDE AGENCIES

7.1 Public Education Committee Status Report – Steve Hubbell, Chairman

Steve Hubbell, Chair Public Education Committee, addressed Council. Hubbell and Committee Member Duncan MacMillan presented a brief summary of the Committee's recent activities to City Council. They have conducted a town-wide survey to collect resident input on public education in Town. In addition, the Committee had held three Town meetings last month. The power point presentation that the Committee had presented at the meetings for the public was reviewed with Council.

Hubbell presented an Interim Report dated 4/15/04 from the Public Education Committee. He noted that 425 surveys had been returned, reviewed and the results tabulated. Hubbell provided Council with a spreadsheet that included all of the survey comments. He assessed the survey results explaining that interest in returning

neighborhood schools to Los Altos Hills was town-wide. The greatest fear expressed in the responses was that the Bullis School site would be leased to another private school and be removed as a public school location option. Hubbell explained that the Public Education Committee is submitting a request to Council for funding of \$7,500 to hire an education attorney that could assist the Committee with evaluating the options for public education in Los Altos Hills including: the reallocation of territory between school districts (Los Altos School District and Palo Alto Unified School District); Charter School; and the formation of a Los Altos Hills School District. The Committee would also like Council to draft letters to the School Districts explaining that they are in support of the efforts of the Public Education Committee to help in opening discussion with the Districts and enabling fact finding meetings and for Council to advise the Los Altos School District that they are in strong opposition to the Bullis School site being leased to any private or quasi-school and being removed from public school options.

Hubbell concluded that in the immediate future, the Committee hopes to conduct the fact finding meetings with the Districts, develop a map that best represents the multiple neighborhood interests, and begin collecting the data that addresses the 9 criteria required by law for redistricting.

Duncan MacMillan, Public Education Committee, explained that it had become evident that whatever agreement was made with either school district to bring public education back to Los Altos Hills, it must include a Memorandum of Understanding with the City Council to hold them to the commitment of providing the school.

OPENED PUBLIC COMMENT

Sandy Humphries, Fremont Road, expressed her belief that a school is fundamental to the health and well being of the Town. She encouraged Council to help the residents keep a neighborhood school in Los Altos Hills and to support the efforts of the Public Education Committee.

Nancy Kelem, Public Education Committee, explained that she was dismayed to report that the Los Altos School District Board members had reportedly said that they will keep the Bullis Charter school “nomads”.

Kathy Evans, Public Education Committee, reported that the Committee’s findings supported three elementary schools in Los Altos Hills. She would like to address the needs of all neighborhoods within the Town.

John Radford, La Paloma Road, addressed Council. He expressed his frustration with the Los Altos School Board and their continued efforts to block the Charter school from locating to the Bullis site. Radford would like Council to consider assisting the Charter school in finding a site. He is discouraged that the Town signed a lease with the District for temporary office quarters and didn’t include the Charter school in the negotiations.

Chris Vargas, Templeton Place, commented that the issue is not the quality of education that is being provided for Los Altos Hills children, the Charter school is about innovation. The Charter School is a County school and is not a part of the Los Altos School District or the Palo Alto Unified School District. Vargas believes that the Charter School offers a near and long term solution to the public education problem confronting

Council. The school will bring public education back to the Hills and in the future they can become a part of any new District or configuration. Vargas requested assistance from the Town in finding a site for the Charter school and if their recent offer to the District for a commercial lease for Bullis is rejected, possibly assisting them with negotiations with Los Altos School District for the Bullis site. They would also solicit help from Council if it appears that the District is using Bullis for something other than public education, i.e. quasi uses or a private school.

Roger Burnell, Public Education Committee member, explained that Council was being asked to consider a very complicated issue. When the Town was incorporated this very discussion of public education being usurped by another entity had been considered. Burnell believes that the Los Altos School District views Los Altos Hills as a real estate trust and source of funds. In his opinion, decisions being made by the District, at this time, are being driven by budget problems. The Committee conducted an informal real estate survey. Results reflected a loss in property values of approximately 5% in the central area of Town due to the closure of the public school. Eventually this loss in property values impacts funds that are allocated to the school from taxes. The consequences of not having a public school in Los Altos Hills are enormous and far-reaching.

CLOSED PUBLIC COMMENT

Council discussion ensued.

Councilmember Fenwick explained that he is concerned that this issue could become very contentious and divisive. He had not received any complaints about education from his constituents who live in the Palo Alto School District. Fenwick expressed his unease that little attention had been paid to the details and the larger picture. Cost implications, the affect of kids schooling and the disruption of residents' lives have not been considered.

Councilmember Kerr thanked the Public Education Committee for their efforts and hard work. He responded to the negative emails Council had received regarding the surveys. It is his contention that even if the survey was conducted again posing different questions, it would result in the same findings and conclusions. Kerr noted that he would like to move forward and take a positive approach to the solution to bring public education back to Los Altos Hills. He believes that the most viable option is for Council to support the Charter School and assist them in finding a site in Town.

Mayor Pro Tem O'Malley thanked the public for their input at tonight's meeting noting that it was valuable in assisting Council in their decision making process. He expressed his belief that public education is critical to the Town and a neighborhood school is a very important link. Council has two paths to consider: 1) the Bullis Charter School, and 2) the Town forming their own school district. He thanked the Public Education Committee for their work in gathering all of the facts and data on the options. O'Malley offered that assisting the Charter School would bring public education back to the Town and would not preclude the Town from forming a District in the future. At this time he would support assisting the Charter School.

Councilmember Warshawsky explained that he had been a strong supporter of Measure H. It has been a tough blow for the Town to lose a school. He believes that the Council has been very empathic to the issue but is concerned that the interests of all residents, including those served by the Palo Alto Unified School District be addressed. Warshawsky believes more public input is required to move in the direction of forming a new district. He would prefer to focus on assisting the Charter School as a solution to returning public education to the Town.

Mayor Cheng explained that Council strongly supports public education. She believes that the most positive direction would be for Council to support the Charter School's efforts to lease the Bullis site. Mayor Cheng offered to assist the school with their lease negotiations with the Los Altos School District. She noted that if the Council wishes to pursue the redistricting option, she suggests that it be put to the citizens as an advisory measure on the November ballot. This would be an excellent tool to gauge the interests of the voting public.

Councilmember Kerr volunteered to join Mayor Cheng with the negotiations for the Bullis site on behalf of the Charter School.

Following discussion, Council consensus was to assist the Bullis Charter School in negotiating their lease. If these efforts should fail, to review alternative sites in Town for the school and to investigate the option of forming a new school district.

Debra Vallner, Public Education Committee member, tendered her resignation from the Committee to the Council. She expressed her distress that the Southern part of the Town had not been fairly represented. Vallner supports keeping Bullis School as a public school but she had joined the Committee to look at education for all of Los Altos Hills not just the Charter School. Given Council's actions this evening to support the Charter School she is resigning from the Committee.

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Kerr and passed by the following roll call vote to grant the Public Education Committee's request for a not-to exceed amount of \$7,500 and to authorize the Committee to hire an education consultant to assist them in assessing the validity of the options for public education in Los Altos Hills and to provide technical assistance in preparing the 9 criteria required for forming a district.

AYES: Mayor Cheng, Mayor Pro Tem O'Malley, Councilmember Fenwick,
Councilmember Kerr and Councilmember Warshawsky
NOES: None
ABSENT: None
ABSTAIN: None

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by O'Malley and passed unanimously to form a subcommittee of Mayor Cheng and Councilmember Kerr to assist in the negotiations between the Los Altos School District and the Bullis Charter School for the lease of the Bullis site.

COUNCIL RECESSED AT 10:15 pm

COUNCIL RECONVENED AT 10:20 pm

8. STAFF REPORTS

8.1 City Manager

City Manager Cassingham reported that the Santa Clara Valley Water District Board has scheduled a public hearing Tuesday, March 20th at 10:00 am for consideration of the proposed restoration project for Adobe Creek Upper Reach 5 that was developed in conjunction with the Adobe Creek Watershed Collaborative and the District. Attendance at the hearing and support for the initiative is encouraged.

8.2 City Attorney

8.3 City Clerk

8.3.1 Report on Council Correspondence

9. COUNCIL-INITIATED ITEMS

Councilmember Kerr requested that staff research the feasibility of removing a barrier at Stonebrook Drive and return to a future meeting with their findings and the Town's options of opening up a connector from this part of Town.

9.1 Proclamation Declaring April 28, 2004 as the Official Launch Date of the San Francisco/Bay Area Edition of Ming Pao Daily News – Mayor Cheng

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Warshawsky and passed unanimously to approve the proclamation declaring April 28, 2004 as the Official Launch Date of the San Francisco/Bay Area Edition of the Ming Pao Daily News.

10. PRESENTATIONS FROM THE FLOOR

Chris Vargas, Templeton Place, presented a brief status update on the Bullis Charter School. They have hired a national award-winning principal. A highly innovative curriculum is under development and they have been very successful with their fundraising efforts. The school has received 200 applications for enrollment and 2/3 are Los Altos Hills residents. Vargas explained that the school is still searching for a permanent site. They have submitted a bid for Bullis School and are awaiting the Los Altos School District's response. The proposal would save Los Altos School District a substantial amount of money by eliminating the need for trailers to house the Charter School at Egan. The offer includes a cash incentive offered by the Charter School. Vargas asked for Council's support and assistance with finding a home for the school in case the lease negotiations are not fruitful.

Kris Moore, Torello Lane, explained that they had purchased their home with the expectation of having their children be able to walk to school. With the closure of Bullis, and the lack of a public school in Town, they have detected a drop in residential property values. Moore encouraged Council to consider helping the Charter School find a home

and to work on behalf of the residents to keep the Bullis site dedicated to public education.

Joan Schlenz, Paseo del Roble, commented that she believed the school districts that are serving Los Altos Hills residents are doing an excellent job of educating our children. She referred to a recent article in the San Francisco Chronicle that ranked the local schools in the top bracket of State schools. She disagreed with the survey findings of the Public Education Committee and felt the response was too low to provide any viable conclusion and would prefer to see the survey conducted by a third unbiased party in a scientific manner.

Carol Crowther, Magdalena Road, was before Council to express her frustration in getting a permit from the Town to replace her existing drainage system.

Planning Director Cahill offered to meet with Ms. Crowther at her residence to review her project.

11. PUBLIC HEARINGS

- 11.1 Lands of Packard Foundation, 26580 Taaffe Road (31-04-Cup); A Request for a Conditional Use Permit Modification to Allow Small Meetings of up to 45 Persons (from 30 Persons)

Planning Director Cahill introduced this item to Council. He noted that the request was a minor modification to the existing Conditional Use Permit and had been reviewed by the Planning Commission and forwarded to Council with their unanimous recommendation for Council approval. The modification calls for an increase of 15 guests for meetings. The Foundation has been dutiful in notifying the City Clerk of their scheduled meetings and no complaints have been lodged by surrounding neighbors regarding these events.

OPENED PUBLIC HEARING

George Vera, Vice President and CFO Packard Foundation, thanked Council for their attention to this request. He explained that the increase would allow the Taaffe House to be open to meetings of a more suitable size.

CLOSED PUBLIC HEARING

Following a brief Council discussion, it was determined that this was an appropriate request.

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Kerr and passed by the following roll call vote to approve the request for a Conditional Use Permit modification to allow small meetings of up to 45 persons; Lands of Packard Foundation, 26580 Taaffe Road.

AYES: Mayor Cheng, Mayor Pro Tem O'Malley, Councilmember Fenwick,
Councilmember Kerr and Councilmember Warshawsky
NOES: None

ABSENT: None
ABSTAIN: None

11.2 Lands of Los Altos Hills, 25700 Purissima Road (58-04-CUP); A Request for a Conditional Use Permit for Recreational Facilities at the Town's Athletic Fields and Riding Ring on Purissima Road; and Operation of a Public Address System and Parking Along Purissima Road During Large Events

Parks and Recreation Supervisor Jimmy Forbis introduced this item to Council. He explained that the Town property which includes the baseball playing fields, horse riding ring, playground and parking has been operated in previous years without a Conditional Use Permit. Each request that has been received for special consideration, i.e. use of a public address system by the Little League, has been forwarded to Council on an ad-hoc basis. Forbis explained that the proposed Conditional Use Permit before Council for their consideration is consistent with the conditions applied to Westwind Barn and Pinewood school.

OPENED PUBLIC HEARING

Wes Henderson, Canario Way, commented that he was the first Manager of the playing fields. His home is in close proximity to the fields. Henderson expressed his concern with the use of amplified sound permitted in the CUP. He would like to see it limited to two times a year for opening and closing ceremonies for the Little League season. Henderson added that due to the freeway noise, the sound systems are unusually loud and very disturbing to neighbors. He would like to see a sound wall constructed that would absorb the freeway sound.

Planning Director Cahill explained that the five permitted days for amplified sound included the Town picnic and two additional events at the Town parks and recreation facilities on Purissima Road.

Stewart Besler, Canario Way, echoed Henderson's sentiments on the public address system. It is very intrusive and he would like it limited to 2 or 3 times a year. Bisler is not bothered by overflow parking from the fields.

Resident, Purissima Road, supports the Little League but would like the public address system limited to opening and closing ceremonies.

Jim Abraham, Viscaino Road, proposed that the horse ring be used for additional parking for the playing fields. He noted that it was in disrepair and seldom used. He would like to see less money spent on horses and more money spent on children.

CLOSED PUBLIC HEARING

Planning Director Cahill explained that the Conditional Use Permit was crafted from the template that is applicable to every other CUP in Town that has outdoor activities. All contain the same provision of use for permitted amplified sound (five times a year).

Council discussion ensued. They concurred that the over use of amplified sound is disruptive to a neighborhood. They agreed to limit the use of the public sound system to five times a year but to modify Condition of Approval #5 to identify two days of use as

Opening and Closing of the Little League season and one day for the Town picnic. The additional two days of use will require a written request to the City Council.

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Warshawsky and passed by the following roll call vote to approve the request for a Conditional Use Permit to operate parks and recreation facilities at 27500 Purissima Road with a modification to Condition of Approval #5 identifying three of the five times per year for outdoor sound amplification, (specifically, Little League Opening and Closing Days and the Town Picnic) and requiring a request be submitted to the City Council for their approval for the remaining two permitted dates. Staff will notify neighbors within 500 feet of the parks and recreation facilities at 27500 Purissima Road of the two additional events.

AYES: Mayor Cheng, Mayor Pro Tem O'Malley, Councilmember Fenwick,
Councilmember Kerr and Councilmember Warshawsky
NOES: None
ABSENT: None
ABSTAIN: None

- 11.3 Lands of Los Altos School District, 25690 Fremont Road (56-04-SD-CUP);
A Request for a Conditional Use Permit for Temporary Town Offices
Located at the Former Bullis Purissima Elementary School at 25690 Fremont
Road for Approximately 15 Months During the Construction of a New Town
Hall.

Planning Director Cahill explained that the purpose of this CUP was to relocate town operations to Bullis School where staff will be located in the administrative offices and a double-wide trailer located in the front parking lot. The multi-purpose room will be used for Town meetings and public hearings. Cahill noted that the temporary CUP had been reviewed by the Planning Commission and they had voted unanimously to recommend approval for the request.

OPENED PUBLIC HEARING

Dot Schreiner, Saddle Mountain Drive, commented that the lease of Bullis School for the relocation of Town Hall makes sense but she is concerned by an issue that she believed had not been addressed to date. She questioned if there was a deed restriction on the property that prohibits the use of the property for anything else than a school. She believes that this was a condition from the original donors of the land. Schreiner is concerned that the use of the site by Town will set a precedent.

City Attorney Steve Mattas clarified for the public that the purpose of reordering the agenda for later consideration of the lease agreement with the School District was to provide Council the opportunity to be familiarized with the issues during Closed Session. Staff has been in negotiations with the District with regards to the terms of the agreement as recently as yesterday. As property negotiators, this is a normal course of action. They would take final action in Open Session.

Mattas explained that the School District is leasing the property to the Town under a specific State code section that limits the use of school property to very specific, identified types of uses such as to government agencies for a short term use.

CLOSED PUBLIC HEARING

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Kerr and passed by the following roll call vote to approve the request for a Conditional Use Permit for temporary Town offices located at the former Bullis Purissima Elementary School at 25690 Fremont Road for approximately fifteen (15) months during the construction of a new Town Hall.

AYES: Mayor Cheng, Mayor Pro Tem O'Malley, Councilmember Fenwick,
Councilmember Kerr and Councilmember Warshawsky
NOES: None
ABSENT: None
ABSTAIN: None

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Kerr and passed unanimously to adjourn to the Closed Session at 10:40 pm.

12. CLOSED SESSION

Council adjourned to the City Manager's office for Closed Session Item 1 at 8:05 pm.

CLOSED SESSION: Pursuant to Government Code Section 54956.8: Conference with Real Property Negotiator -

Property: Bullis-Purissima School, 25890 Fremont Road, Los Altos Hills.
Agency Negotiators: Councilmember Breene Kerr, City Manager Maureen Cassingham and City Attorney Steve Mattas
Negotiating Parties: Town of Los Altos Hills and Los Altos School District
Under Negotiation: Terms and Conditions related to Lease of Property

Council returned to Open Session in Council Chambers at 8:25 pm and moved to Agenda Item 5.1.1a for consideration.

CLOSED SESSION: CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION: Government Code Section 54956.9(a): Campbell and Ligeti v. Town of Los Altos Hills

The City Council reconvened to the Regular City Council Meeting at 11:01 pm.
No action was taken.

13. ADJOURNMENT

There being no further business, the April 15, 2004 Regular City Council Meeting was adjourned at 11:02pm.

Respectfully submitted,

Karen Jost

The minutes of the April 15, 2004 Regular City Council Meeting were approved at the May 6, 2004 Regular City Council Meeting.